

EXHIBIT 3

Whitefish Discovery Requests

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

-----X
In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

-----X
In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY
("PREPA"),

Debtor.

PROMESA
Title III

No. 17 BK 4780-LTS

**Court Filing Relates Only to PREPA
and Shall Only be Filed in Case No.
17-BK-4780 (LTS)**

-----X

**CREDITOR WHITEFISH ENERGY HOLDINGS, LLC'S FIRST SET OF
INTERROGATORIES TO THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO AND PUERTO RICO ELECTRIC POWER AUTHORITY**

Pursuant to Federal Rules of Civil Procedure 26 and 33, made applicable to this matter
through Federal Rules of Bankruptcy Procedure 7026 and 7033 and PROMESA Section 310,
administrative creditor Whitefish Energy Holdings, LLC ("WEH"), by and through its undersigned

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747). Confirm date, this is 7 days before our objection would be due

counsel, hereby requests that The Financial Oversight Management Board for Puerto Rico and the Puerto Rico Electric Power Authority respond to each of the following Interrogatories separately, fully, in writing, and under the penalties of perjury, by August 5, 2020.

DEFINITIONS

1. “Person” or “Individual” means the plural as well as the singular, and includes any natural person, firm, corporation, limited liability company, partnership, association, joint venture, governmental unit or entity (or agency thereof), quasi-public entity, proprietorship, trust, estate, and any other form of legal entity.

2. “You,” “Your,” and “Yourself,” means the Puerto Rico Electric Power Authority and its attorneys, accountants, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

3. “PREPA” means the Puerto Rico Electric Power Authority and its attorneys, accountants, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

4. “Oversight Board” means the Financial Oversight Management Board for Puerto Rico, and its attorneys, accountants, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

5. “WEH” means Whitefish Energy Holdings, and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

6. “WEH Invoices” means the invoices submitted by WEH to PREPA for electrical restoration work performed by WEH and/or its subcontractors arising from Hurricanes Maria and Irma in 2017.

7. “WEH Project Worksheet” means the documentation PREPA provided to the Government Authorized Representative, COR3 and/or FEMA as part of its request to FEMA for reimbursement or payment of the electrical restoration work performed by WEH and/or its subcontractors arising from Hurricanes Maria and Irma in 2017.

8. “FEMA” means the Federal Emergency Management Agency, and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

9. “Administrative Claimants” refers to any Person or entity who has a claim against PREPA arising after the commencement of this matter.

10. “Administrative Claims” refers to any claim against PREPA arising after the commencement of this matter.

11. “COR3” refers to Central Office for Recovery, Reconstruction and Resilience and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

12. “LUMA” refers to LUMA Energy and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

13. “Motion” refers to the *Motion of PREPA for Entry of an Order Allowing Administrative Expense Claim for Compensation for Front-End Transition Services Under Puerto*

Rico Transmission and Distribution System Operation and Maintenance Agreement with Luma Energy.

14. “Document” means the original and each non-identical copy, whether different from the original by reason of notations made on such copy or otherwise, of any written material, electronically stored information, sound recordings, films and other physical objects, including, without limitation, the original or copies of all letters, memoranda, correspondence, e-mails, text messages, telegrams, handwritten notes, periodicals, pamphlets, reports, records, audits, studies, working papers, diaries, contracts, agreements, understandings, charts, maps, papers, graphs, indices, data sheets, data processing cards, computer tapes, microfilm, any notes or drafts relating to the foregoing, or any other physical object, however produced or reproduced, and by whomever originated or to whomever addressed, in Your possession, custody or control.

15. “Communication” means any oral or written correspondence, contracts, memoranda, expression of words, thoughts or ideas, or transmission of data or other information to another Person, whether person-to-person, in a group, by telephone, letter, e-mail, telex, fax, or any other process, electric, electronic or otherwise. All such Communications in writing shall include, without limitation, printed, typed, handwritten or other readable Documents.

16. The singular form of a word should be interpreted as plural, where appropriate.

17. The words “and” or “or” shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of each request all responses that might otherwise be construed to be outside of the scope.

18. The term “any” includes the word “all” and vice versa.

INSTRUCTIONS

19. Whenever in these interrogatories there is a request to identify an Individual Person, set forth: (i) his or her full name; (ii) his or her position and business affiliation at the time referred to; (iii) his or her last known position and business affiliation; (iv) his or her last known names, home and business addresses, and home, business and mobile telephone numbers; and (v) his or her last known e-mail addresses.

20. Whenever in these interrogatories there is a request to identify a firm, corporation, limited liability company, partnership, association, joint venture, governmental unit or entity (or agency thereof), quasi-public entity, proprietorship, trust, estate, or other legal entity, set forth its full name, the address of its principal place of business, the nature of the entity (e.g., corporation, limited liability company, partnership, etc.), and its telephone number.

21. “Identify,” when used with reference to a Document or other tangible item, means (regardless of whether any claim of privilege is asserted) to state the following information, subject to the option to produce Documents as provided by Federal Rules of Civil Procedure Rule 33(d):

- a. Its character or nature (e.g., letter, memorandum, report, etc.);
- b. The date it bears or, if undated, the date it was written or created;
- c. The identity of the Person(s) who wrote or created it;
- d. The identity of the Person(s) who received it;
- e. Its file number or other identifying mark or code; and
- f. Its present or last known location or custodian.

22. “Identify” means, with respect to an oral Communication or other event, to set forth the following information:

- a. The date it occurred and the time;
- b. The place it occurred and, if different (as with a telephone Communication), the place it was received;
- c. For a Communication, the identity of each originator and recipient, and for an event, the identity of each participant; and
- d. The identities of all Persons present when the Communication or event occurred.

23. “Describe,” “explain,” or “state,” when used in reference to a factual situation, means to state with particularity all facts known to You, connected with, bearing upon, or relating to the matter addressed in the subject interrogatory.

24. If You opt to produce records in lieu of providing written answers to any of these interrogatories, specify those records in sufficient detail to permit Defendants to locate and to identify the records from which the answers may be derived or ascertained.

25. If any information responsive to any of the following interrogatories is withheld based on any claim of privilege, furnish a detailed description of the information withheld, describe generally the substance or subject matter of the information withheld, state the privilege being relied upon or claimed and the basis therefor, and identify all Persons or entities who have had access to such information.

26. The answers to these interrogatories are to be signed under oath and objections, if any, are to be signed by the attorney making them.

27. These interrogatories are continuing in nature. You are hereby requested to supplement each and every response as new information is discovered or becomes available from now until trial. You are also under a continuing duty to correct any incorrect responses.

28. Unless stated otherwise, these Interrogatories cover the period from January 1, 2004 until the present.

29. The foregoing instructions are not intended to limit Your obligations under the Federal Rules of Civil Procedure or any other applicable rule, regulation, or law. As such, if any of the foregoing instructions is deemed to require the provision of less information than otherwise would be required by the Federal Rules of Civil Procedure or any other applicable rule, regulation, or law, then such other rule, regulation, or law is to govern in relevant part.

INTERROGATORIES

1. Identify each Person who assisted in responding and/or provided information used by You to respond to these interrogatories, and with respect to each Person, state by number the interrogatory(ies) for which he, she, or it assisted in responding and/or provided information.

ANSWER:

2. Identify each Person who has knowledge of facts or other information relating to the status of COR3 and/or FEMA's review the WEH Project Worksheet and the status of PREPA's payment on the WEH Invoices.

ANSWER:

3. Identify each Person who has knowledge of facts or other information relating to the impact that the proposed Administrative Claim to be granted to LUMA will have on i) PREPA's ability to pay or ii) likelihood of paying or iii) timing of paying other Administrative Claims.

ANSWER:

4. Identify each Person who has knowledge of facts or other information relating to the status of any remaining analysis by PREPA or anyone acting on its behalf of any unpaid Administrative Claims.

ANSWER:

5. Identify all Documents and Communications between or among PREPA and/or FEMA and/or COR3 regarding the status of the review of the WEH Project Worksheet or are otherwise related to the WEH Invoices and/or the WEH Project Worksheet.

ANSWER:

6. Identify all Documents and Communications between PREPA and the Oversight Board regarding the WEH Invoices and/or the WEH Project Worksheet.

ANSWER:

7. Identify all Documents and Communications between PREPA and the Oversight Board regarding the status of unpaid Administrative Claims.

ANSWER:

8. Identify all Documents and Communications between PREPA and the Oversight Board regarding the impact of allowing and paying the proposed Administrative Claim to LUMA on the likelihood or timing of payment of other Administrative Claims.

ANSWER

9. Identify the Project Worksheet Number that has been assigned to the WEH Project Worksheet.

ANSWER

10. Identify the proposed witnesses for the hearing in support of the Motion, as well as the qualifications and reports of any expert witness you may use in connection with the Motion, including but not limited to those witnesses who will testify as to the ability of PREPA of to pay all allowed administrative expenses as required by PROMESA.

ANSWER

San Juan, Puerto Rico

July 24, 2020

Respectfully submitted,

/s/ Ann Marie Uetz
Ann Marie Uetz (*pro hac vice*)
FOLEY & LARDNER LLP
500 Woodward Ave., Suite 2700
Detroit, MI 48226
Telephone (313) 234-7100
Facsimile (313) 234-2800
auez@foley.com
Counsel for WEH

and

C. CONDE & ASSOC.
/s/Carmen D. Conde Torres
Carmen D. Conde Torres, Esq.
USDC 207312
/s/Luisa S. Valle Castro
Luisa S. Valle Castro, Esq.
USDC No. 215611

254 San José Street, 5th Floor
Old San Juan, Puerto Rico 00901
Telephone: 787-729-2900
Facsimile: 787-729-2203

E-Mail: condecarmen@condelaw.com
ls.valle@condelaw.com
Counsel for WEH

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

-----X
In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

-----X
In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY
("PREPA"),

Debtor.

PROMESA
Title III

No. 17 BK 4780-LTS

**Court Filing Relates Only to PREPA
and Shall Only be Filed in Case No.
17-BK-4780 (LTS)**

-----X
**CREDITOR WHITEFISH ENERGY HOLDINGS, LLC'S FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS TO THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO AND PUERTO RICO ELECTRIC
POWER AUTHORITY**

Pursuant to Federal Rule of Civil Procedure 34, made applicable to this matter through
Federal Rule of Bankruptcy Procedure 7034 and PROMESA Section 310, administrative creditor

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747).

Whitefish Energy Holdings, LLC (“WEH”), by and through its undersigned counsel, hereby request that The Financial Oversight Management Board for Puerto Rico and the Puerto Rico Electric Power Authority produce for inspection and copying at the offices of C. Conde & Associates, 254 San José Street, 5th Floor, Old San Juan, Puerto Rico 00901, or at a place agreeable to counsel for both parties, the documents requested herein on or before August 5, 2020.

DEFINITIONS

1. “Person” or “Individual” means the plural as well as the singular, and includes any natural person, firm, corporation, limited liability company, partnership, association, joint venture, governmental unit or entity (or agency thereof), quasi-public entity, proprietorship, trust, estate, and any other form of legal entity.

2. “You,” “Your,” and “Yourself,” means the Puerto Rico Electric Power Authority and its attorneys, accountants, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

3. “PREPA” means the Puerto Rico Electric Power Authority and its attorneys, accountants, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

4. “Oversight Board” means the Financial Oversight Management Board for Puerto Rico, and its attorneys, accountants, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

5. “WEH” means Whitefish Energy Holdings, and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

6. “WEH Invoices” means the invoices submitted by WEH to PREPA for electrical restoration work performed by WEH and/or its subcontractors arising from Hurricanes Maria and Irma in 2017.

7. “WEH Project Worksheet” means the documentation PREPA provided to the Government Authorized Representative, COR3 and/or FEMA as part of its request to FEMA for reimbursement or payment of the electrical restoration work performed by WEH and/or its subcontractors arising from Hurricanes Maria and Irma in 2017.

8. “FEMA” means the Federal Emergency Management Agency, and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

9. “Administrative Claimants” refers to any Person or entity who has a claim against PREPA arising after the commencement of this matter.

10. “Administrative Claims” refers to any claim against PREPA arising after the commencement of this matter.

11. “COR3” refers to Central Office for Recovery, Reconstruction and Resilience and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

12. “LUMA” refers to LUMA Energy and its officers, directors, affiliates, employees, attorneys, consultants, agents, and all other Persons, both past and present, acting or authorized to act on its behalf.

13. “Motion” refers to the *Motion of PREPA for Entry of an Order Allowing Administrative Expense Claim for Compensation for Front-End Transition Services Under Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement with Luma Energy*.

14. “Document” means the original and each non-identical copy, whether different from the original by reason of notations made on such copy or otherwise, of any written material, electronically stored information, sound recordings, films and other physical objects, including, without limitation, the original or copies of all letters, memoranda, correspondence, e-mails, text messages, telegrams, handwritten notes, periodicals, pamphlets, reports, records, audits, studies, working papers, diaries, contracts, agreements, understandings, charts, maps, papers, graphs, indices, data sheets, data processing cards, computer tapes, microfilm, any notes or drafts relating to the foregoing, or any other physical object, however produced or reproduced, and by whomever originated or to whomever addressed, in Your possession, custody or control.

15. “Communication” means any oral or written correspondence, contracts, memoranda, expression of words, thoughts or ideas, or transmission of data or other information to another Person, whether person-to-person, in a group, by telephone, letter, e-mail, telex, fax, or any other process, electric, electronic or otherwise. All such Communications in writing shall include, without limitation, printed, typed, handwritten or other readable Documents.

16. The singular form of a word should be interpreted as plural, where appropriate.

17. The words “and” or “or” shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of each request all responses that might otherwise be construed to be outside of the scope.

18. The term “any” includes the word “all” and vice versa.

INSTRUCTIONS

1. When responding to these document requests, You are asked to furnish all information in your possession, custody, or control, or in that of Your attorneys, employees, agents, or any other person acting on Your behalf or on whose behalf you are acting.

2. For any responsive document You object to producing, on the basis of a claim of attorney-client, or any other privilege, or on the basis of the work-product doctrine, with respect to each such document, please provide a privilege log under Rule 26(b)(5) of the Federal Rules of Civil Procedure, which incorporates the following information:

- a. Its date or the date when it was prepared;
- b. Its author;
- c. Its addressees and all parties receiving copies of said document
- d. The name and title of each person to whom the contents of the document have been communicated by copy, exhibition, reading, or substantial summarization;
- e. The nature and substance of the document with sufficient particularity to enable it to be identified;
- f. The purpose(s) for which the document was prepared;
- g. The basis upon which the document is being withheld from production;
- h. All facts that support the basis asserted for not producing the document.

3. If any document requested was, but is no longer in Your possession or subject to Your control or in existence:

- a. state whether each such document is missing, or lost or has been destroyed or otherwise disposed of;
- b. explain the circumstances surrounding, and the authorization for, each such disposition;
- c. state the date or approximate date of such disposition; and
- d. describe the document, they type(s) of information contained therein, and the identity of all persons having knowledge of the contents and disposition thereof.

4. In responding to these requests, You must make a diligent search of your records and of other papers and material in Your possession or available to You or Your representatives.

5. These requests are continuing in nature. You are hereby requested to supplement each and every response as new information is discovered or becomes available from now until trial. You are also under a continuing duty to correct any incorrect responses.

6. Unless stated otherwise, these requests cover the period from January 1, 2009 until the present.

7. The foregoing instructions are not intended to limit Your obligations under the Federal Rules of Civil Procedure or any other applicable rule, regulation, or law. As such, if any of the foregoing instructions is deemed to require the provision of less information than otherwise would be required by the Federal Rules of Civil Procedure or any other applicable rule, regulation, or law, then such other rule, regulation, or law is to govern in relevant part.

8. In making a production, electronically stored information (“ESI”) is to be produced in a single-page TIFF format, with load files demarcating document breaks, providing parent-child information, OCR, and relevant metadata (defined in the following Instruction), except that Excel

or other spreadsheets are to be produced in native format. Responsive non-ESI documents are to be produced: (i) in a single-page TIFF format, with load files demarcating document breaks, and containing searchable document text (that is, OCR data), (ii) in a manner that reflects physical boundaries such as boxes, folders, tabs, etc., and (iii) in a manner which reflects the document custodian.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents that relate to, refer to, or provide the basis for any of Your responses to WEH's First Set of Interrogatories, including but not limited to any Documents You reference in Your responses to the First Set of Interrogatories and any Documents You relied upon in preparing those responses.

REQUEST FOR PRODUCTION NO. 2:

All Documents which You reasonably expect or intend to use at the hearing on the Motion, including but not limited to all written statements, opinions, memoranda, reports of witnesses, records of oral statements, and Documents reasonably expected or intended to be used for impeachment purposes which refer or relate to the impact that the Proposed Administrative Claim in favor of LUMA Energy will have on the timing and likelihood of payment of other Administrative Claims.

REQUEST FOR PRODUCTION NO. 3:

All Documents and Communications between PREPA and the Oversight Board that relate or refer to the WEH Invoices and/or the WEH Project Worksheet, including but not limited

to the status of COR3 and/or FEMA's review of the WEH Project Worksheet and the status of PREPA's payment on the WEH Invoices.

REQUEST FOR PRODUCTION NO. 4:

All Documents and Communications between PREPA and the Oversight Board that refer or relate to the status of unpaid Administrative Claims.

REQUEST FOR PRODUCTION NO. 5:

All Documents and Communications between PREPA and the Oversight Board regarding the impact that allowing and paying an Administrative Claim to LUMA as provided for in the Motion on the other Administrative Claims will have on the likelihood and/or timing of payments on other Administrative Claims.

REQUEST FOR PRODUCTION NO. 6:

All Documents and Communications between PREPA or the Oversight Board, on the one hand, and COR3 or FEMA, on the other hand, regarding or referring to or related to FEMA's review of the WEH Project Worksheet.

San Juan, Puerto Rico

July 24, 2020

Respectfully submitted,

/s/ Ann Marie Uetz
Ann Marie Uetz (*pro hac vice*)
FOLEY & LARDNER LLP
500 Woodward Ave., Suite 2700
Detroit, MI 48226
Telephone (313) 234-7100
Facsimile (313) 234-2800
auetz@foley.com

Counsel for WEH

and

C. CONDE & ASSOC.

/s/Carmen D. Conde Torres

Carmen D. Conde Torres, Esq.

USDC 207312

/s/Luisa S. Valle Castro

Luisa S. Valle Castro, Esq.

USDC No. 215611

254 San José Street, 5th Floor

Old San Juan, Puerto Rico 00901

Telephone: 787-729-2900

Facsimile: 787-729-2203

E-Mail: condecarmen@condelaw.com

ls.valle@condelaw.com

Counsel for WEH